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E-filed 1/25/06

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12 Attorneys for Plaintiff
13 HORTA, LLC

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION
18

19 HORTA, LLC, a Delaware limited liability
20 company,

21 Plaintiff,

22 v.

23 FEDERAL AVIATION
ADMINISTRATION, a federal agency;
24 MARION C. BLAKEY, Administrator of
the Federal Aviation Administration;
25 JOHN HOWARD, an individual in his
official capacity; and BRANDI
26 WILLIAMSON, an individual in her
official capacity,

27 Defendants.
28

CASE NO. C 05-03778 JF

[Related Case Nos. C 02-04086 JF
and C 00-20018 JF]

STIPULATION AND [PROPOSED] ORDER

Complaint filed: September 19, 2005

Whereas, on September 19, 2005, the Court issued an Initial Case Management Scheduling Order requiring the parties file an Alternative Dispute Resolution ("ADR") Certification; and

Whereas, the present case involves no request for monetary compensation, but rather relates to efforts to obtain discovery and therefore is not appropriate for ADR; and

Whereas, a Case Management Conference is scheduled for February 3, 2006; and

Whereas, Horta has filed a motion for summary judgment and the FAA has filed motions to quash, the resolution of which may render the issue of ADR moot;

Horta and the FAA stipulate and agree as follows:

1. The Case Management Conference shall be continued for sixty days and scheduled on or around April 7, 2006; and

2. Unless subsequently ordered otherwise, the parties shall be excused from the Court's ADR requirement.

Dated: January 20, 2006

KEVIN V. RYAN
United States Attorney

By


CLAIRE T. CORMIER
Assistant United States Attorney

Dated: January _____, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

By

JAMES M. CHADWICK
DIANA NG FUNG
Attorneys for Plaintiff
HORTA, LLC

ORDER

The parties having so stipulated and good cause appearing therefore, IT IS SO ORDERED. The Case Management Conference shall be held on March 31, 2006, at 10:30 a.m.

Dated: January 25, 2006.


HON. JEREMY FOGEL
United States District Judge

-2-

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2 Scheduling Order requiring the parties file an Alternative Dispute Resolution ("ADR")
3 Certification; and

4 Whereas, the present case involves no request for monetary compensation, but rather
5 relates to efforts to obtain discovery and therefore is not appropriate for ADR; and

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11 on or around April 7, 2006; and

12 2. Unless subsequently ordered otherwise, the parties shall be excused from the
13 Court's ADR requirement.


14 Dated: January ____, 2006

KEVIN V. RYAN
United States Attorney

15
16 By _____
17 CLAIRE T. CORMIER
Assistant United States Attorney

18 Dated: January 23, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

19 By 
20 JAMES M. CHADWICK
21 DIANA NG FUNG
Attorneys for Plaintiff
HORTA, LLC

22 **ORDER**

23 The parties having so stipulated and good cause appearing therefore, IT IS SO
24 ORDERED. The Case Management Conference shall be held on _____, 2006,
25 at _____ a.m.

26 Dated: January ____, 2006.

27 _____
HON. JEREMY FOGEL
United States District Judge